



GENERAL LICENSING SUB COMMITTEE

23 February 2017

ITEM 5

Report of the Acting Strategic Director of
Neighbourhoods

Temporary event notices at: Wardwick Tavern 15 Wardwick Derby DE1 1HA

SUMMARY

- 1.1 Four Temporary Event Notices have been received by Derby City Council's Licensing Team from Paul Johnson in respect of Wardwick Tavern 15 Wardwick Derby DE1 1HA.
- 1.2 The sale by retail of alcohol; the supply of alcohol by or on behalf of a club to A member of the club; the provision of regulated entertainment; and the provision of late night refreshment must be licensed under the Licensing Act 2003.
- 1.3 Where no licence exists, any individual aged 18 or over, subject to specific criteria being met, can issue a Temporary Event Notice to the Licensing Authority.
- 1.4 This Notice allows licensable activities to take place without the need for any further authorisation.
- 1.5 Only the Police and the Council's Environmental Protection Team may object to a Temporary Event Notice on the two licensing objectives, hence attendance at committee today.
- 1.6 The two Licensing objectives are:
 - a) the prevention of crime and disorder
 - b) the prevention of public nuisance
- 1.7 The General Licensing Sub Committee can decide to :
 - uphold the objection notice received and serve a counter-notice on the notifying individual
 - or
 - impose one or more of the existing licence conditions on the Temporary Event Notice if it considers it appropriate for the promotion of the licensing objectives
 - or
 - reject the objection notice.

RECOMMENDATION

- 2.1 To consider the information in the report and the objection notice received from Derbyshire Constabulary in respect of the Temporary Event Notice received from Paul Johnson.

REASONS FOR RECOMMENDATION

- 3.1 To ensure the licensing objectives are upheld in relation to Wardwick Tavern 15 Wardwick Derby DE1 1HA.

SUPPORTING INFORMATION

- 4.1 Four Temporary Event Notices were received by Derby City Council's Licensing Team from Paul Johnson. A copy is attached at **Appendix 1**.
- 4.2 The Licensing Team received objection notices from Derbyshire Constabulary on 13 February 2017. Copies are attached at **Appendix 2**.
- 4.3 The responses from all Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	OBJECTION	OBJECTION WITHDRAWN	NO OBJECTION	NO RESPONSE
Derbyshire Constabulary	X			

- 4.4 The licensable activities covered by the Temporary Event Notice are for:
- the sale by retail of alcohol (on the premises)
 - the provision of regulated entertainment
 - the provision of late night refreshment
- 4.5 The date and times applied for are 26 February 2017 between 02.00am and 4.00am (last entry 03.10am, guests to leave premises by 04.15am).
- 4.6 A location plan of the premises is attached at **Appendix 3**.

- 4.7 The premises licence is attached at **Appendix 4**.
- 4.8 The Committee is obliged to determine this objection notice with a view to promoting the licensing objectives which are:
- the prevention of crime and disorder;
 - the prevention of public nuisance;
- 4.9 In making its decision, the Committee is also obliged to have regard to national Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.
- 4.10 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.11 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.12 A Licence is regarded as property for the purposes of the Human Rights Act 1998. Article 1 of the First Protocol states that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

- 4.13 The Committee must also take into account the effect on local residents. Article 8 states:
- Everyone has the right to respect for his private and family life, his home and his correspondence.
 - There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.14 Three stage test to be applied:
- Is the interference in accordance with the law?
 - Is the interference necessary in a democratic society in pursuit of one of the legitimate aims set out above?
- Is the decision proportionate ie. Striking a fair balance between the demands of the general interests of the community and the requirement to protect the individual's fundamental rights?

OTHER OPTIONS CONSIDERED

5.1 No other options available

This report has been approved by the following officers:

Legal officer Financial officer Estates/Property officer Human Resources officer Service Director(s) Other(s)	Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee
For more information contact: Background papers: List of appendices:	Name: Ann Walker Telephone:01332 641945 e-mail: ann.walker@derby.gov.uk None Appendix 1 – Temporary Event Notice Appendix 2 – Objection Notice from Derbyshire Constabulary Appendix 3 - Location plan Appendix 4 – Premises licence